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SIPDIS

STATE FOR IO/T, EB/TRA AND EAP/ANP
MONTREAL FOR USICAO
FAA FOR AIA-100

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SUBJECT: CIVAIR: NEW ZEALAND'S VIEWS ON KEY U.S. ISSUES AT
ICAO ASSEMBLY

REF: STATE 168352

1. Post on August 5 delivered reftel demarche to Nigel Mouat, principal adviser, access and services, New Zealand Ministry of Transport. The demarche outlined U.S. positions on a number of issues to be considered at the ICAO General Assembly in Montreal, September 28 to October 8. On September 16, the New Zealand government provided the following response to each issue:

Begin text.

Universal Safety Oversight Audit Program (USOAP)

2. New Zealand strongly supports the ICAO Secretariat's concept for implementation of a comprehensive system approach for ICAO Universal Safety Oversight Audits and increased transparency and disclosure of information. Accordingly, we also believe that the following additional points should be included in the proposed Assembly resolution on this subject:

- a) Contracting States should receive the full final audit report in lieu of a summary report.
- b) All aspects of the audit process must be available in the audit report provided to States.
- c) The audits and follow-ups relating to Annexes 1, 6 and 8 must continue to be the core of the USOAP.
- d) The audit frequency cycle, including follow-up activities, should be as short as possible.
- e) The audit must validate claims that ICAO standards have been implemented or corrective actions accomplished.

Regional Safety Oversight Organizations

3. New Zealand endorses and supports the partnership concept as the underlying foundation of ICAO's proposed unified strategy to resolve safety-related deficiencies and the regional (or sub-regional) safety oversight organization. However, it must be emphasized that membership of a cooperative oversight organization does not absolve a State from fulfilling its obligations under the Convention. In other words, States must still take responsibility for implementing (or ignoring) safety advice from a regional oversight organization.

Environment - Emissions Charges

4. New Zealand supports work by ICAO to address greenhouse gas emissions from aviation, including further work on emissions charges and international aviation. New Zealand, however, does not wish to be limited from taking measures to address its own emissions from domestic aviation, including the use of a domestic emissions charge that affects aviation fuel.

Flight Information Regions (FIRs)

5. We have sympathy with some of the thrust of the U.S. proposal but cannot support it totally as drafted. We agree in principle that there should not be proliferation of FIRs, and we understand the misguided economic rationale behind some States' desires to have an FIR, simply as a source of revenue. In the Pacific Islands Forum, we supported the concept that the Air Traffic Services providers should recompense States within the FIR for the services they contribute (navigation aids, alternate aerodromes) to the facilitation of flights and overflights, on a cost-related basis, and if this approach was widespread we think it would soften the motivation to create new FIRs.

6. The concept of sovereignty seems to be well understood over continents, with airspace boundaries generally conforming to national boundaries. But there is nothing to prevent one State from delegating ATS provision to another for efficiency reasons.

7. However, Article 1 of the Convention is important.

Particularly this gives a State without a national FIR (such as in the Pacific) the right to determine the ATS provider over its territory. The example we are familiar with was the request by Samoa and Tonga to realign the boundary between the Fiji and New Zealand Oceanic FIRs to allow New Zealand to provide the ATS service rather than Fiji. The alternative would have been the creation of two more national FIRs inside the Fiji FIR, with attendant operational complications. The Council in 2001 accepted their right to choose and adjusted the boundary as the most efficient means of achieving the objective of ATS provision by New Zealand over Samoa and Tonga.

End text.

Note

18. The New Zealand delegation to the ICAO Assembly will be led by Glen-Marie Burns, caretaker manager safety and security, New Zealand Ministry of Transport. She will be accompanied by Peter Davey, manager policy and international, Civil Aviation Authority of New Zealand, and (Ms.) Leslie MacIntosh, chief legal counsel, Civil Aviation Authority of New Zealand.

19. An invitation to the September 28 luncheon was sent to Ms. Burns, per reftel, and she has accepted. Her acceptance has been conveyed to U.S. Mission ICAO.

Burnett